

<b>Notice of Allowability</b>	Application No. 09/770,788 Examiner Dao H Nguyen	Applicant(s) HSU ET AL Art Unit 2818
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 08/01/2003
2.  The allowed claim(s) is/are 43-46 and 51-53.
3.  The drawings filed on 09/04/2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other

  
 David Neims  
 Supervisory Patent Examiner  
 Technology Center 2800

**DETAILED ACTION**

1. In response to the communications dated 08/01/2003, claims 43-46, and 51-53 are active in this application.

**Remarks**

2. Applicant's argument(s), see Paper No. 0803, filed 08/01/03, with respect to the newly amended claim(s) 43-46, and 51-53, have been fully considered and are persuasive. Therefore, the rejection of the last Office Action, in light of the amended claim(s), has been withdrawn; Furthermore, the pending claim(s) are found in condition for allowance.

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao Nguyen whose telephone number is (703) 305-1957. The examiner can normally be reached on Monday-Friday 9:00am – 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Neils can be reached on (703) 308-4910. The fax numbers for all communication(s) is 703-872-9306.

Application/Control Number: 09/770,788  
Art Unit: 2818

Page 3

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Dao H. Nguyen  
Art Unit 2818  
September 3, 2003

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800